

C.C.R.B CASE CLOSING FORM

Investigator assigned: C. Parmalee		Team: 6	CCRB#: 9901669	<input type="checkbox"/> Force <input type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 11/17/98	Time of incident: 8:00 PM	Location of incident: Roosevelt Ave., Queens	Pct. of occurrence: 115	Date S.O.L. Expires: 5/17/00
Date reported: 4/7/99	Time reported: 5:51 PM	To whom/where/how reported: Letter mailed to CCRB		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): § 87(2)(b)		Home address: Same		
Witness(es):		Home address:		
Subject officer(s) (include rank): PO Sean Downes		Shield: 29467	Tax: 918975	Command: 115
Witness officer(s) (include rank):		Shield:	Tax:	Command:
Allegation(s) by letter: a. PO Downes abused his authority when he threatened to arrest § 87(2)(b) and § 87(2)(b) in violation of PG 110-01				Recommendation(s): a. § 87(2)(g)

Synopsis

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) said that she and her boyfriend/fiancé were about to go to Cancun for vacation. The night beforehand they stopped off on Roosevelt Avenue to buy a quick dinner. § 87(2)(b) double-parked the car in front of the restaurant and helped § 87(2)(b) out. After § 87(2)(b) went into the restaurant an RMP came around and stopped behind § 87(2)(b) and the car. § 87(2)(b) got back into the car and attempted to drive away. PO Downs came running out of the RMP yelling for § 87(2)(b) not to move. § 87(2)(b) asked what the problem was. PO Downes told him that he was double-parked and he was going to get a ticket. § 87(2)(b) pointed out that there was an armored car double parked in front of him also, and asked why the armored car was not being ticketed. PO Downes told § 87(2)(b) that they were not discussing the other car, and that he was going to tow the car as well. PO Downes then ordered § 87(2)(b) out of the car. § 87(2)(b) got out of the car and found § 87(2)(b) to tell her what was going on. § 87(2)(b) came out and she and PO Downes got into an argument. § 87(2)(b)

demanded a supervisor to come to the scene, but PO Downes told her that he was in charge. When the tow truck arrived, § 87(2)(b) stood between the car and the tow truck and demanded to speak with a supervisor. PO Downes told § 87(2)(b) that if she did not move, she would be arrested. PO Downes also told § 87(2)(b) that he would be arrested if he did not get on the sidewalk as well. The car was then towed and § 87(2)(b) and § 87(2)(b) took a taxi home.

Results of Investigation

The letter of complaint was sent to CCRB almost five months after the incident. The complainants refused to come in to CCRB to be interviewed. They were interviewed at their home on 5/7/99. § 87(2)(g) The complainant and the victim both admitted that the car was double-parked, and the officer was identified. PO Downes was interviewed on 5/26/99. He said that in the 115 they have a precinct condition concerning parking violations and congestion on Roosevelt Avenue. Hence, they have a program called "Aggressive Tow" which means that they will ticket and tow a truck immediately, whether or not the owner appears. PO Downes said that this program went on and off, and that they would be informed at the beginning of the day whether they were instituting the aggressive towing. On 11/17/98, PO Downes said that aggressive towing was in effect. He said that he saw § 87(2)(b)'s car double-parked and went to ticket and tow it. PO Downes said that when he first approached the car, it was unoccupied, and it was not until he began writing the summons that § 87(2)(b) came from the sidewalk to ask him what was going on. PO Downes said that when the tow truck came § 87(2)(b) stood between the car and the tow truck, preventing the tow truck from hooking up to the car. PO Downes could not remember whether § 87(2)(b) did this as well, but he did not think so. PO Downes said that he told § 87(2)(b) to move or he would be arrested. § 87(2)(b) eventually complied. PO Downes also noted that § 87(2)(b) wanted to see a Captain but that there were no supervisors available at the time.

Conclusions and Recommendations

§ 87(2)(g)

Investigator: _____

Date: _____

Supervisor: _____

Date: _____

Reviewed by: **John P. Cipriano** _____

Date: _____

Reviewed by: _____

Date: _____